

**MINUTES
COLUMBUS PLAN COMMISSION
WEDNESDAY NOVEMBER 5, 2003 AT 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: John DeLap, President, Shirley Todd, Patricia Zeigler, Steve Ruble, Dave Fisher, John Hatter, Dave Bonnell, Gary Nienaber and Jack Heaton.

Members Absent: Mike Gillespie and T. Craig Hawes.

Staff Present: Roger Hunt, Planning Director, Heather Pope, Sondra Bohn, Thom Weintraut, Laura Thayer, Tiffany Strait Planning Department; Tom Finke County Plan Commission liaison and Alan Whitted, Deputy City Attorney.

LIAISON REPORTS

Written reports were received and discussed.

CONSENT AGENDA

Minutes of September 3, 2003 meeting.

Motion: Ms. Heaton made a motion to approve the September 3, 2003 meeting. Mr. Fisher seconded the motion and it carried unanimously.

OLD BUSINESS REQUIRING COMMISSION ACTION

None

NEW BUSINESS REQUIRING COMMISSION ACTION

RZ-03-11: Lee & Donna Colwell Rezoning- A petition by Lee A. and Donna J. Colwell to rezone a property of approximately 3360 square feet, located at 1105 23rd Street (southeast corner of 23rd Street and Union Street), from R-4 (Single –Family Residential) to B-1 (Neighborhood Business).

Mr. Hunt presented the background on this request as follows:

This was a corner grocery at one time, according to several neighborhood residents. However, at some point along the way, most of the corner neighborhood business properties were zoned to R-4 (Single-Family Residential). Very likely the city had no time or funds to pick up every exception to R-4. Some of these have been rectified over the years: B for example, one block northwest of here, all four corners are zoned B-1 (Neighborhood Business).

The owners of the property in question did not realize they had a legally nonconforming property when they acquired it some years ago. Subsequently, the most recent business tenant (a furniture refinishing shop) moved out, and the building has been vacant for about two years now.

As you will recall, once a property is vacant for one year, its legally nonconforming status is erased.

Therefore, this is about as straightforward an application as we ever get: The owners wish to bring the zoning in line with the actual use. We understand that they are discussing a lease with a retailer dealing in hot tubs and hot tub supplies, with a showroom for tubs on the property but actual pickup/delivery to be based elsewhere. Most people do not buy a new hot tub every week, so this level of use should be a good match with B-1.

All properties adjacent and across streets are zoned R-4. Technically this rezoning would be classified as spot zoning, which is usually bad land-use policy. However, the corner business has always been an exception to the spot-zone rule of thumb. In fact, this is one spot zone that we probably should be promoting in the Central Neighborhoods area.

The building covers most of the lot area at present. The owners are not planning any significant changes to the footprint.

The building would be legally non-conforming as to lot area, floor area, and setbacks under B-1. However, that's equally true for every other zoning district in Columbus, except PUD and the special uses, and in fact the lot and building come closer to conformity under B-1 than in any other commercial district. This circumstance should not affect the use on the lot, only future expansions of the structure.

This could prove to be a problem, although it is resolvable. Retail sales require one parking space per every 200 square feet of floor area. If the entire main floor is counted, and no other levels are involved, the area of about 1900 square feet would translate to 10 spaces. At present there are only six spaces, and not much if any room to expand parking.

One avenue is to discount non-public space (closets, storage, etc.) This is allowed under the ordinance and is actually fairly common. It is possible this will reduce the requirement to a conforming number. More discussion with the owners will be needed, once a tenant is definite. If the number still exceeds the provided spaces, an application to the Board of Zoning Appeals would be needed. Since on-street parking is allowed here, the actual parking impact should be minimal if the hot-tub enterprise moves in. We will resolve this issue at the site plan stage.

To date the staff has heard from only one neighboring property owner, who lives 1 or 2 blocks away. She expressed no opposition or concerns, provided that the building is occupied by the hot tub business or something of similar intensity.

Staff would recommend rezoning as requested.

Mr. Lee Colwell represented himself as the petitioner.

Mr. Colwell stated that he wanted to be a good neighbor. He said that at this location there had always been street parking on both sides. He said there had never been a problem when a grocery was located there. He said there was never any intention of putting a liquor store there.

He said the party that is interested in locating at this site is interested in putting a hot tub and spa business.

Mr. DeLap opened the meeting to the public.

Ms. Hannah Jones expressed concern about the traffic.

Ms. Thelma Durham expressed concern about parking and traffic.

Mr. Keith Thompson owner of Thompson Pool and Spa stated there would not be any large trucks in the area due to this business.

Mr. Colwell stated that he was unaware that if a business were vacant for over a year it would lose its nonconforming use, which was business.

Ms. Thompson stated there would only be two hot tubs on display. Any hot tubs that are sold would be ordered then and they are delivered directly to the home from the factory from the supplier. All supplies are delivered to the home or picked up in Indianapolis, stated Ms. Thompson, and all UPS is delivered to the home. They may be selling popcorn and candles at this location. She said they would be doing repairs on motors in the back room.

Mr. Heaton asked if repairs were proposed for the building.

Mr. Colwell said they were going to do some work, putting in a new floor, a new drop ceiling and numerous things to make the building more attractive,

Much discussion was held regarding the rezoning.

Motion: Mr. Heaton made a motion to approve this request with conditions and rezoning to a B-1C rather than B-1, The following uses will not be allowed: dry cleaning, laundry receiving stations, Laundromats and package liquor stores. Also no use shall be permitted on the subject property whose trip generation rate per 1000 gross square feet area exceeds the standard set forth in the specification from the Trip Generation Report. Ms. Zeigler seconded the motion and it carried with a vote of 9-0.

SU-03-10: Jonesville Fire Department – A request by Wayne Township Trustee to rezone approximately 3.21 acres located on 450S approximately 1,500 west of SR 11 in Wayne Township from SU-14 (Special Use - Refuse Disposal Facilities) to SU-11 (Special Use Public Buildings and Uses).

Ms. Pope presented the background information on this request as follows:

Staff Recommendation - Special Use Rezoning and Site Plan Approval.

This parcel was originally part of the Landfill rezoning in approximately 1997. Wayne Township Trustees on behalf of the Jonesville Volunteer Fire Department subdivided off a 3.21-acre parcel and is in the process of purchasing it from Solid Waste Management Authority. Now the Jonesville Volunteer Fire Department is proposing to build an 8,640 sq. ft. firehouse at the above location, as a way to better serve the northern half of Wayne Township.

Two access points are proposed off the drive leading to the landfill. The southern most drive is ingress and egress, while the drive closest to CR 450 S is egress only.

Twenty, 9' x 18' parking spaces have been proposed with one designated for the physically

challenged. Circulation has been reviewed and found to be acceptable for the proposed use.

No landscaping has been proposed at this time. The Land Use Plan indicated 450 S should be landscaped with large trees from I-65 to SR 11. Therefore, staff would recommend the commission include in their motion the petitioner meets the requirements of the Landscape section of the Zoning Ordinance or receive approval from the Landscape Review Committee.

No drainage plan has been provided at this time. Staff would recommend prior to a zoning compliance certificate being issued a complete drainage plan submitted and receiving approval from the City Engineers Office.

Mr. Randy Clark, Wayne Township Trustee, Rick Trimpe Chief of the Volunteer Fire Department and Mark Daugherty of Designs by Daugherty represented the petitioner.

Mr. Daugherty stated that none of the conditions that were presented were of any problem to the petitioner.

Mr. Clark stated they would be maintaining two firehouses because of the response time to fires.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Bonnell made a motion to approve this request with staff comments. Ms. Zeigler seconded the motion and it carried with a vote of 9-0.

MP-03-15, CLIFTY CROSSING REPLAT, By Continental Clifty, LLC, is a proposal to create 2 commercial lots totaling 20.1 acres. The property is located on the northwest corner of the intersection of National Road and Taylor Road, or more specifically 1149 N. National Road (Clifty Crossing Shopping Center), Columbus, in Columbus Township.

Ms. Strait presented the background information of this request as follows:

The B-5, General Business District, is intended primarily for the distribution of goods and the furnishing of major services in a general commerce district, which uses require large tracts in highly accessible locations in order that objectionable characteristics may be buffered from adjoining districts. The minimum lot area is 10,000 sq. feet and the minimum frontage is 100 feet.

The permitted uses include the following: any use permitted in the B-4 district; construction yards; warehousing; automobile service uses; trade shops; truck stops.

Background on this subdivision shows that approval for one lot in the original subdivision of Clifty Crossing was granted in 1988.

The issues that need to be resolved for Clifty Crossing Replat are sidewalks and sewer availability.

Sidewalks are required by ordinance for any subdivision. The requirement recognizes that there may not be existing sidewalks in the area and, therefore, will be holes in the network of sidewalks throughout the city. Plans submitted from INDOT showing the improvements for

National Road (US 31) show that when this intersection is complete, sidewalks will be installed along the National Road frontage. However, the plans show that Taylor Road is not scheduled for sidewalks. The petitioner is requesting a modification from the sidewalk requirement along the Taylor Road frontage of the property. Also, the new thoroughfare plan does not show sidewalks along primary arterials that lack a curb, like this portion of Taylor Road. A sidewalk located along a primary arterial without a curb (only a shoulder) creates a significant public safety hazard. Staff does not object to the request for relief of sidewalks.

The second issue that will need to be discussed is sewer hook-up for Lot 2. According to City Utilities, there is currently no sewer available for Lot 2. A favorable solution must be found in order for this subdivision to be approved. Staff recommends that approval of this subdivision may be granted conditioned upon City Utilities' approval of a suitable solution.

Staff has no objection to this subdivision providing that all staff comments are adequately addressed, that a suitable solution for sewer hook-up to Lot 2 is found and that a modification is granted for relief of the sidewalk requirement.

Staff recommends denying the request for relief of sidewalks. Sidewalks are required by Ordinance and are a priority of the comprehensive plan to provide a complete pedestrian network throughout the city.

Mr. Ruble read into the record a letter from the Parks Department. Mr. Ed Curtin stated that the Taylor Road corridor is part of the People Trail Master Plan that calls for people trails to be installed along Taylor Road. They are requesting sidewalks be installed along Taylor Road similar to the walks that are installed along the Lowe's frontage. That would include an eight-foot sidewalk.

Ted Darnell with Crowder and Darnell and Sean Cullen with Continental Clifty, LLC represented the petitioners.

Mr. Darnell said that there is a private sewer that was installed when the Wal Mart store was built. It runs around the back of the building and outlets into a public lift station. He stated that they are proposing to take the sewage from the proposed out lot site and run it via a private system and then into the main system.

Mr. Darnell said they had submitted a letter requesting a modification to the City of Columbus subdivision control ordinance requesting relief from construction of sidewalks along Taylor Road.

Mr. Ruble said the City would compensate the developers for the extra width of the sidewalks that would be required.

Mr. Fisher stated it would be safer with the sidewalks installed.

Much discussion was held regarding the installation of sidewalks.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Heaton made a motion to approve this request with staff comments. The request for modification for relief of the sidewalk requirement along Taylor Road was denied. Mr. Fisher seconded the motion and it carried with a vote of 9-0.

The recording equipment failed at this point in the meeting and all subsequent minutes are from notes and memory. We do have new equipment to use in the December meeting and from now on.

RZ-03-13: Belinda Graber 7th Street Rezoning- A petition by Belinda A. Graber to rezone a property of approximately 1,173 square feet, located on the north side of 7th Street approximately 150 feet east of Franklin Street and 130 feet west of Lafayette Street, more specifically known as 527 7th Street, in the City of Columbus, from R-6 (multi-family residential) to B-3 (Central Business).

Mr. Hunt presented the background information of this request as follows:

The property in question is a small building on the north side of 7th Street, next door to First Presbyterian Church and diagonally across the street from the city (library) parking lot. The existing building mostly if not entirely covers the lot itself, so all parking must be provided on street or in the city lot. This property has been used commercially for over 65 years, according to the applicant. Appraisers, Inc., is her current business and they are the only current commercial occupants of the building.

Ms. Graber does not indicate any specific future plans for the building. The staff understanding is that she plans to offer it for sale; if/when the rezoning to B-3 is approved. She stresses that it ought to continue as a business use, and that zoning in this case should reflect longstanding past as well as future use of the property.

The building covers nearly all of the lot area at present. The owner has not indicated that she is planning any significant changes to the footprint. The B-3 District does not have a parking requirement, since the zoning ordinance assumes that parking downtown is a public-sector responsibility. This property has on street parking available on 7th and adjacent streets, and the city's lot across the street is also near to hand. Both of these parking options can fill up to capacity at times, but that is no different than in other downtown locations. A comprehensive solution to the downtown parking dilemma is beyond the scope of a mere staff report, but the evidence so far does not indicate that we should turn down a B-3 rezoning on the basis of parking alone.

Type A buffer would normally be required on the property's northern and eastern boundaries, to separate business use from the residentially zoned area. However, there is literally no room to install a vegetative buffer on the property in question, unless the building was to be partly or completely demolished. This requirement should not present a problem as long as no significant structural alterations are made. There are no other landscaping requirements in the B-3 District. The staff suggests that at the appropriate time, the Landscape Review Committee might review any site plan for a new or significantly altered building in order to examine alternatives for the Type A buffer.

To date the staff has heard from only one neighboring property owner, who lives directly across the street. He expressed no opposition or concerns, and in fact had assumed the property had been zoned B-3 for years.

Staff would recommend approve to B-3 as requested.

Ms. Belinda Graber represented herself as the petitioner.

Much discussion was held regarding this request.

Mr. DeLap opened the meeting to the public.

Mr. Ray Gibson expressed concern about rezoning this parcel.

Mr. Hunt read into the record a letter from Mr. Gibson explaining his reasons for objecting to this request.

Mr. DeLap closed the meeting to the public.

Motion: Ms. Zeigler made a motion to approve this request with conditions as stated in the draft ordinance. Mr. Bonnell seconded the motion and it carried with a vote of 8-1. Ms. Todd was the nay vote

ANX-03-003: Calvary Church of the Nazarene Annexation – A petition by the Calvary Church of the Nazarene to annex to the City of Columbus, Indiana an area contiguous to the current city boundary on all sides, located on the north side of Rocky Ford Road between Talley Road and Greenbriar Drive and totaling approximately 2.70 acres, for the purpose of allowing municipal services to be provided to an existing church building.

Mr. Hunt presented the background information of this request as follows:

As you know, the City this spring annexed a large territory north of Rocky Ford Road between High Vista neighborhood to the west and Talley Road (actually Sloans Branch) to the east. This territory is a single large contiguous block, except for two small cut outs along Rocky Ford Road: a single-family house and yard in the southwest corner, and an oblong 2.70-acre parcel about midway between High Vista and Sloans Branch. This latter parcel, which is owned and occupied by the Calvary Church of the Nazarene, is the subject of the current annexation petition.

During discussions with neighbors of the Presidential Parks North proposal, the church indicated an interest in annexation, primarily so they could hook up to city sewer service. The planning staff consulted with City Utilities and determined that a sewer extension to serve Presidential Parks North would run close enough to the church to make it practical for them to do so. Now that the development has been approved and plans to subdivide are close to completion, the church has formally petitioned the city for annexation.

Geographically, the church is now an island of county territory surrounded on all sides by the city. There are several of these islands elsewhere in Columbus, and as a general rule its not good public policy to leave them in that status. While it is difficult for an Indiana city to annex without property owners consent, we should take advantage of any opportunity to clear up these inconsistencies.

In addition to the above, septic tanks in and near the city can pose a risk of groundwater contamination. Although there is no reason to think the church's septic is not functioning properly, the nature of septic tank failures is such that you don't find out until it's too late to avoid pollution. This is an opportunity to head off possible trouble in that regard.

All city departments were asked to determine how the annexation would impact them in regards to service and cost. I am still gathering this information and will provide it to you at the meeting Wednesday. However, no significant issues are expected to arise in this context. City Utilities, the primarily affected department, is aware of the request and is prepared to work with the church.

This annexation is a good idea and would be a win-win situation for all parties involved.

Mr. David D. Shelton represented the petitioner.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Ms. Todd made a motion to approve this request. Mr. Heaton seconded the motion and it carried with a vote of 9-0.

C/RZ-03-14 William Roddie Jr., Rezoning: A request by William Roddie Jr. on behalf of R&R Rentals LLC to rezone a lot of approximately 5,160 square feet, located at 1618 Orinoco Street, from B-2 (Neighborhood Business) to R-4 (Single Family Residential).

Ms. Thayer presented the background information on this request as follows:

The lot proposed for rezoning is located on a short street that has historically been residential, but surrounded by industrial properties. This lot formerly had a house, but is currently vacant. The west side of the street, where this lot is located, is zoned B-2, and the east side is I-2 (Medium Industrial). The majority of the properties on both sides, however, contain single-family houses that date from around the turn of the 20th century. An abandoned railroad right-of-way immediately adjacent to the lots on the west side of the street was acquired by Housing Partnerships Inc. and now contains duplex housing.

A 1950's city master plan designated the Orinoco area for industrial use, with commercial adjacent. At some point, the west side of the street was designated B-2. In the B-2 district, a dwelling is permitted only as an accessory to a business. A single-family residence could not be rebuilt on this lot with its current zoning. The petitioners are requesting rezoning to R-4, which is the zoning for a large area to the west of the Housing Partnerships duplexes.

The B-2 district allows any use allowed in the RB or B-1 districts, and other uses including but not limited to offices, retail uses, indoor and outdoor recreational uses, drive-through and drive-in establishments, accessory uses, and temporary uses.

The R-4 district allows single-family homes, accessory uses, temporary uses, home occupations, and group homes.

The minimum lot size in the B-2 district is 5,000 square feet. Fifty feet of frontage is required. The lot proposed for rezoning is approximately 5,200 square feet, but has less than 50 feet of frontage.

Orinoco is a local street so in this case, the front setback is required to be 50 feet from the centerline of the street. In a B-2 district, there are no side setbacks when the lot abuts a business district, as is the case here. A transitional setback of 20 feet is required when the lot is adjacent to a residential district, which this lot is.

Staff would recommend approval of this request.

Mr. William Roddie Jr. represented himself of the petitioner.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Ms. Zeigler made a motion to approve this request with staff comments. Mr. Bonnell seconded the motion and it carried with a vote of 9-0.

SU-03-11 Second Baptist Church Special Use Rezoning and Site Plan Review:

A request by Second Baptist Church to rezone a property of approximately 6,000 square feet on the north side of 9th Street between Short Wilson Street and Reed Street, from R-6 (Multifamily Residential) to SU-1 and to modify the site plan for Second Baptist Church, located at 1325 10th Street.

Ms. Thayer presented the background information on this request as follows:

This request represents reflects the purchase of a residential lot to the west of the church property and a proposed expansion of the parking lot. This is similar to a previous request in which the church acquired the lot to the west for parking.

City Engineering has approved drainage, access, parking and circulation. Planning staff is also satisfied with the plan considering site limitations, but recommends that if the pattern of property acquisition and expansion continue in the future, that a more integrated site access and circulation plan be developed in consultation with planning and engineering staff.

The only significant change in landscaping from the previous submission is the addition of fences along the west property lines. Staff would prefer to see more plantings, perhaps along the west boundary where a wood fence is proposed, or between the existing developed area and the proposed expansion. Should this be problematic due to circulation or space issues, staff is satisfied with the existing proposal and has not heard any objection from neighbors.

Staff would recommend approval of this request.

Mark Daugherty represented the petitioners. Mr. Daugherty said he was in agreement with staff comments.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Heaton made a motion to approve this request with staff comments. Mr. Fisher seconded the motion and it carried with a vote of 9-0.

DISCUSSION ITEMS

AO-03-02: Amendments to Zoning Ordinance Regarding Flood Hazard Areas –An amendment to update portions of the Flood Ordinances as recommended by the Indiana Department of Natural Resources.

Mr. Weintraut presented the background information on this request.

These are technical requirements required by federal and state regulations. In order to keep our current relatively low insurance rates we need to put this amendment of the agenda for next month's consideration.

Motion: Mr. Heaton made a motion to put this request on the December 2003 agenda. Mr. Bonnell seconded the motion and it carried with a vote of 9-0.

Amendment to Zoning Ordinance to provide for regulations for Model Homes through the Conditional Use permit process

Mr. Hunt presented the background information on this request.

Mr. Steve Charlton and Mr. Robert Smitherman spoke in favor of this request.

Motion: Ms. Zeigler made a motion to approve this request putting it on the December 2003 agenda. Mr. Ruble seconded the motion and it carried unanimously.

Request to initiation rezoning for a parcel at Brown & Water Streets of approximately 3 acres owned by the City of Columbus from SU-11& I-2 to B-3.
Ms. Thayer presented the information on this request.

Motion: Mr. Ruble made a motion to approve this request Ms. Zeigler seconded the motion and it carried with a vote 9-0.

REPORTS & RECOMMENDATIONS

Approve Calendar for 2004 Meetings for City Plan Commission.

The Board voted unanimously to approve the calendar for 2004.

DIRECTOR'S REPORT

Mr. Hunt had no report at this time.

ADJOURNMENT: 6:45 P.M.

